

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

HANS A. QUAACK, ATTILIO PO
and KARL LEIBINGER, on behalf of
themselves and those similarly situated,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM
(formerly known as ARTESIA BANKING
CORP., SA),

Defendants.

No.: 03-CV-11566 (PBS)

STONINGTON PARTNERS, INC., a Delaware
Corporation, STONINGTON CAPITAL
APPRECIATION 1994 FUND L.P., a Delaware
Partnership and STONINGTON HOLDINGS,
L.L.C., a Delaware limited liability company,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM
(formerly known as ARTESIA BANKING
CORP., SA),

Defendants.

No.: 04-CV-10411 (PBS)

GARY B. FILLER and LAWRENCE PERLMAN,
Trustees of the TRA Rights Trust,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM
(formerly known as ARTESIA BANKING
CORP., SA),

Defendants.

No.: 04-CV-10477 (PBS)

JANET BAKER and JAMES BAKER,
JKBAKER LLC and JMBAKER LLC,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM
(formerly known as ARTESIA BANKING
CORP., SA),

Defendants.

No.: 04-CV-10501 (PBS)

NOTICE OF WITHDRAWAL OF MOTION

PLEASE TAKE NOTICE THAT Plaintiffs in each of the above-captioned actions hereby withdraw their November 21, 2005, Emergency Motion for Expedited Discovery from Defendant Dexia Bank Belgium (“DBB”) (“Plaintiffs’ Emergency Motion”),¹ which is scheduled for a hearing on Friday, December 23, 2005.

Plaintiffs filed their Emergency Motion seeking expedited discovery concerning DBB’s announcement on November 11, 2005 that it is voluntarily liquidating its New York Branch (“Plaintiffs’ Emergency Motion”). Later that day, DBB filed an Emergency Motion for a Protective Order related to the same discovery (“Defendant’s Emergency Motion”). On November 22, 2005, the Court set a hearing on the Emergency Motions for December 23, 2005.

Prior to filing Plaintiffs’ Emergency Motion, counsel for Plaintiffs requested from Defendant information as to when the liquidation of DBB’s New York Branch would be complete, but Defendant declined to respond. Indeed, it was only after Plaintiffs filed their motion, and renewed their request for information from Defendant on the status of the liquidation of DBB’s

¹ Plaintiffs’ Emergency Motion has been filed in each of the above-captioned actions at the following docket numbers: *Quaak* (Docket No. 106); *Stonington* (Docket No. 30); *Filler*, (Docket No. 44) and *Baker* (Docket No. 34).

New York Branch, that Defendant, by letter dated December 9, 2005, informed counsel for Plaintiffs that the liquidation was essentially complete, noting that all assets have been sold and the only remaining issue was the surrendering of DBB's license to the New York State Banking Department, the timing of which is "not control[ed]" by DBB's New York Branch, according to DBB's counsel. *See* December 9, 2005 letter for Joel M. Cohen, attached hereto as Exhibit A.

Given that the liquidation process is now essentially complete, the requested relief in the emergency motion is moot. Accordingly, Plaintiffs hereby withdraw their Emergency Motion. Moreover, Plaintiffs have withdrawn the discovery requests that are subject to their now withdrawn motion, which, Plaintiffs believe, renders Defendants' Emergency Motion for Protective Order moot as well.

Plaintiffs note that their Joint Motion to Compel Depositions of Dexia Bank Belgium Through Piet Cordonnier, Bart Ferrand, and Peter Rabaey remains on the docket and is scheduled to be heard on December 23, 2005.

Dated: December 16, 2005

Respectfully submitted,

BERMAN DEVALERIO PEASE
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EXHIBIT A

12/09/2005 18:12 FAX

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December 9, 2005

VIA FACSIMILE

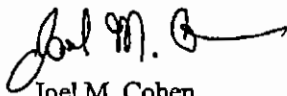
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Re: *Quaak v. Dexia Bank Belgium*
Stonington v. Dexia Bank Belgium
Filler v. Dexia Bank Belgium
Baker v. Dexia Bank Belgium

Dear Patrick:

I write in response to your letter dated December 6, 2005. It is my understanding that the assets of Dexia Bank Belgium New York Branch have already been sold. All that remains in the liquidation process is for the New York Branch to surrender its license to the New York State Banking Department. The New York Branch does not control the timing of that event.

Sincerely,



Joel M. Cohen

cc: Patrick Rocco, Esq.
Steven Singer, Esq.
Susan Davies, Esq.
Karen C. Dyer, Esq.
Alan Cotler, Esq.
Peter M. Saparoff, Esq.

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